

10- *K*-0196

Entered - 8/7/09 - sb  
CL - 09L0575 - Angelena Kelly

Claim of: Valerie Williams  
3954 Wildwood Lake Drive  
Atlanta, GA 30331

For damages alleged to have been sustained as a result of a personal injury on a private water valve cut-off on June 13, 2009 at 1181 Barnes Street.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_

*[Signature]*  
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 1/26/10

CHAIR: *[Signature]*

*[Signature]*  
*[Signature]*

*[Signature]*  
*[Signature]*

FEB 01 2010

ADVERSED BY  
CITY COUNCIL

FEB 01 2010



OFFICE OF MUNICIPAL CLERK

**RHONDA DAUPHIN JOHNSON**  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6030  
FAX (404) 658-6273

February 9, 2010

Ms. Valerie Williams  
3954 Wildwood Lake Drive  
Atlanta, Georgia 30331

**10-R-0196**

Dear Ms. Williams

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 1, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,  
*Rhonda Dauphin Johnson*

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0575

Date: December 28, 2009

Claimant/Victim: Valerie Williams

BY:(Atty)(Ins. Co.)

Address: 3954 Wildwood Lake Drive, Atlanta, GA 30331

Subrogation: Claim for Property damage \$ Bodily Injury \$ 9,000.00

Date of Notice: 7/27/09 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence: 6/13/09 Place: 1181 Barnes Street

Department: Bureau: Office:

Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained a personal injury when she walked into some type of exposed pipe at the above location. The investigation determined that the hazardous condition is a cut off valve for the property owner's water line. The claimant has been advised to pursue her claim with the property owner.

### INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X Diagrams Reports: Police Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

### BASIS OF RECOMMENDATION:

Function: Governmental Ministerial

Improper Notice More than Six Months Other Damages reasonable

City not involved X Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

  
INVESTIGATOR - ANGELENA KELLY

### RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation

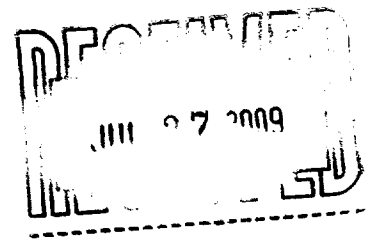
Claims Manager: Concur/date 01/12/10

Committee Action: Council Action

7/24/09

City of Atlanta  
City Hall  
55 Trinity Ave  
Atlanta, Georgia

ENTERED - 8-7-09 - SB  
09L0575 - A. KELLY



Kelly

08/20/09

City of Atlanta,

I want to inform you that there is an opening in a pipe in the ground on Barnes St NW. On June 13, 2009 my foot got caught in the opening as I walked along Barnes Street. I managed to get my foot out of the hole. I had a deep cut in my leg. I called the ambulance and was transported to the hospital. I received 9 stitches, a tetanus shot, along with medications and care for the opened wound.

Since going to the emergency room on ~~I have~~ June 13, 2009, I have returned to the emergency room because of pain in my leg, redness and swelling. I have also been to the hospital clinic. I am still experiencing pain in my leg. I also have outstanding medical bills.

Sincerely,

Valerie Williams (Valerie Williams)  
3954 Wildwood LK Dr  
Atlanta, GA 30331

10- R -0196

RCS# 42  
2/01/10  
2:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		02-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0118	36. 10-R-0182	
2. 10-O-0119	37. 10-R-0183	
3. 10-O-0120	38. 10-R-0184	
4. 10-O-0121	39. 10-R-0185	
5. 10-O-0122	40. 10-R-0186	
6. 10-O-0123	41. 10-R-0187	
7. 10-O-0126	42. 10-R-0188	
8. 10-O-0127	43. 10-R-0189	
9. 10-O-0128	44. 10-R-0190	
10. 10-O-0129	45. 10-R-0191	
11. 10-O-0220	46. 10-R-0192	
12. 10-O-0221	47. 10-R-0193	
13. 10-O-0057	48. 10-R-0194	
14. 10-O-0135	49. 10-R-0195	
15. 10-R-0134	50. 10-R-0196	
16. 10-R-0162	51. 10-R-0197	
17. 10-R-0227	52. 10-R-0198	
19. 10-R-0164	53. 10-R-0199	
20. 10-R-0165	54. 10-R-0200	
21. 10-R-0166	55. 10-R-0201	
22. 10-R-0169	56. 10-R-0202	
23. 10-R-0170	57. 10-R-0203	
24. 10-R-0171	58. 10-R-0204	
25. 10-R-0222	59. 10-R-0205	
26. 10-R-0228		
27. 10-R-0173		
28. 10-R-0174		
29. 10-R-0175		
30. 10-R-0176		
31. 10-R-0177		
32. 10-R-0178		
33. 10-R-0179		
34. 10-R-0180		
35. 10-R-0181		